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 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES DISTRICT COURT

for the

Northern District of Mississippi

Oxford Division

NATASHA BOYLAND

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

SEE ATTACHED

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. **3:18-cv-00181-MPM-RP**

(to be filled in by the Clerk's Office)

Amendment

COMPLAINT FOR INTERPLEADER AND DECLARATORY RELIEF

I. The Parties to This Complaint

A. The Plaintiff(s) in Interpleader

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	NATASHA BOYLAND
Street Address	4414 WRENWOOD DRIVE
City and County	HORN LAKE DESOTO
State and Zip Code	MISSISSIPPI 38637
Telephone Number	901.406.8502
E-mail Address	NMBOYLAND@ICLOUD.COM

B. The Defendant(s) in Interpleader

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	FIRST FRANKLIN A DIVISION OF NAT CITY BANK OF IN
Job or Title (<i>if known</i>)	MORTGAGE LENDER
Street Address	2150 NORTH FIRST STREET SUITE 600
City and County	SAN JOSE SANTA CLARA COUNTY
State and Zip Code	CALIFORNIA 95131
Telephone Number	408.964.6000
E-mail Address (<i>if known</i>)	UNKNOWN

Defendant No. 2

Name	DEUTSCHE BANK NATIONAL TRUST COMPANY
Job or Title (<i>if known</i>)	TRUST ADMINISTRATION FIRST FRANKLIN 2005-FFH3
Street Address	1761 EAST SAINT ANDREW PLACE
City and County	SANTA ANA ORANGE
State and Zip Code	CALIFORNIA 92705
Telephone Number	714.247.6000
E-mail Address (<i>if known</i>)	UNKNOWN

Defendant No. 3

Name	BANK OF AMERICA
Job or Title (<i>if known</i>)	MORTGAGE SERVICER
Street Address	100 N. TRYON STREET
City and County	CHARLOTTE MECKLENBURG
State and Zip Code	NORTH CAROLINA 28255
Telephone Number	704.386.5681
E-mail Address (<i>if known</i>)	UNKNOWN

Defendant No. 4

Name	SELECT PORTFOLIO SERVICING, INC.
Job or Title (<i>if known</i>)	MORTGAGE SERVICER
Street Address	3217 SOUTH DECKER LAKE DRIVE
City and County	SALT LAKE CITY SALT LAKE

State and Zip Code	UTAH 84419
Telephone Number	1.800.258.8602
E-mail Address (if known)	UNKNOWN

II. Basis for Jurisdiction and Venue

There are two types of interpleader actions, each brought under a different provision. Which type of interpleader action are you bringing? *(check one)*

☒ I am bringing this interpleader action under Federal Rule of Civil Procedure 22. *(Fill out Section A below.)*

☐ I am bringing this interpleader action under 28 U.S.C. § 1335. *(Fill out Section B below.)*

A. Interpleader Action Under Rule 22

1. Jurisdiction is proper because the action *(check all that apply)*:

☐ arises under a federal statute, a federal treaty, and/or a provision of the United States Constitution *(specify the relevant statutory, treaty, and/or constitutional provisions)*:

☒ meets the jurisdictional requirements of 28 U.S.C. § 1332, under which no plaintiff may be a citizen of the same State as any defendant, and the amount at stake must exceed the sum or value of \$75,000:

a. The Plaintiff(s)

i. If the plaintiff is an individual

The plaintiff, *(name)* NATASHA BOYLAND, is a citizen of the State of *(name)* MISSISSIPPI.

ii. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

b. The Defendant(s)

i. If the defendant is an individual

The defendant, (name) _____, is a
citizen of the State of (name) _____.
Or is a citizen of (foreign nation) _____.

ii. If the defendant is a corporation

The defendant, (name) FIRST FRANKLIN A DIV OF NAT CITY BANK IN, is
incorporated under the laws of the State of (name) CALIFORNIA,
and has its principal place of business in the State of (name)
CALIFORNIA. Or is incorporated under the laws of
(foreign nation) _____, and has its principal place of
business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

c. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The amount in controversy is the amount paid to the defendants from August 2005 to August 2017 in the approximate amount of \$118,777.41 USD (One Hundred Eighteen Thousand Seven Hundred Seventy-Seven and Forty-One cents USD). Also, to include a 1099-C cancellation of debt issued by Bank of America in the amount of \$58,290.02 USD (Fifty-Eight Thousand Two Hundred Ninety and Two cents USD). The amount of the original note in the amount of \$134,995.00 USD (One Hundred Thirty-Four Thousand Nine Hundred Ninety-Five USD). Nine times the amount of the original note in the amount of \$1,241,955.00 USD (One Million Two Hundred Forty-One Thousand Nine Hundred Fifty-Five USD). For a total amount of controversy of \$1,527,053.43 USD (One Million Five Hundred Twenty-Seven Thousand Fifty-Three and Forty-Two cents USD).

2. Venue is proper under 28 U.S.C. § 1391 because (check one):

☐ all of the defendants live in _____ (a common State) and at least
one defendant lives in _____ (county, State),

which is located in this court's judicial district.

- ☒ a substantial part of the property that is the subject of this complaint for interpleader is situated in DESOTO, MISSISSIPPI (county, State), which is located in this court's judicial district.
- ☐ there is no district in which this action may otherwise be brought. The court has personal jurisdiction over the defendants for the following reasons (identify the connections the defendants have with the judicial district):

B. Interpleader Action Under 28 U.S.C. § 1335

1. In order for this court to have jurisdiction over this action, at least two defendants must be citizens of different States as defined in 28 U.S.C. § 1332(a) or (c), and the value of the property in controversy must be at least \$500.

a. Interpleader Defendant No. 1

- i. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____.
Or is a citizen of (foreign nation) _____.

- ii. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

b. Interpleader Defendant No. 2

- i. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____.
Or is a citizen of (foreign nation) _____.

ii. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____. Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

c. The Property in Controversy

The property in controversy is worth \$ _____.

2. Venue is proper under 28 U.S.C. § 1397 because at least one defendant, *(name)* _____, resides in _____ *(county, State)*, which is located in this court's judicial district.

III. Statement of Interpleader Action

- A. Describe the property that is the subject of this interpleader action, and explain why you are in possession of the property. Explain why each of the defendants claims an entitlement to the property. The property subject to this interpleader action is located at 4414 Wrenwood Drive, Horn Lake, MS Lot 288, Section F, Fairfield Meadows, situated in Section 32, Township 1 South, Range 8 West, DeSoto County, Mississippi as per plat thereof recorded in Plat Book 90, page 23, in the office of the Chancery Clerk of DeSoto County, Mississippi. Plaintiff is in possession of the property because she is holder in due course. It is unclear why each of the defendants are claiming entitlement to the property and is requested that they each show proof of entitlement by original documents.
- B. Plaintiff has *(check one)*:
- ☐ deposited *(the property at issue)* _____ into the registry of the court
- ☐ given a bond payable to the clerk of court in the amount of \$ _____, which the court has deemed proper and which is conditioned upon compliance by the plaintiff with the future order or judgment of the court with respect to the subject matter of the controversy.
- C. Explain why you are in great doubt as to which defendant(s) is/are entitled to the property subject to the interpleader action. Explain why you cannot determine which claim(s) is/are valid without exposing yourself to potential double litigation.

I am in great doubt that any of the defendants are entitled to the property subject to the interpleader action because my signature on the promissory note was monetized and the defendant(s) took the bank check to sell to me as a debt with interest. Furthermore, the defendants has taken the original security instrument and converted it to a security that is listed as an asset-backed security. According to publicly available records with Chancery Clerk of DeSoto County, Mississippi the original note was recorded July 18, 2005 in Book 2,263 on page 489 by First Franklin. The deed of trust was the reassigned to First Franklin Corporation on August 31, 2005 and recorded with Chancery Clerk of DeSoto County, Mississippi in Book 2,313 on page 489. According to publicly available SEC records a Pooling and Service Agreement was entered on August 1, 2005 and filed October 6, 2005 and accepted on October 6, 2005 at 10:54:38 under the CIK 0001337007 SIC 6189 File Number 333-121661-34 as First Franklin Mortgage Loan Trust 2005-FFH3; Asset-Backed Certificates, Series 2005- FFH3. At this point the original note has become null and void. An assignment of Deed of Trust was done on June 24, 2014 to Deutsche Bank National Trust Company, as Trustee, in Trust for refistered holders of First Franklin Mortgage Loan Trust 2005-FFH3, Asset-Backed Certificates, Series 2005-FFH3 and recorded with Chancery Clerk of DeSoto County, Mississippi on August 18, 2014 in Book 3,862 page 179. An appointment of Successor Trustee was signed May 10, 2018 to Rubin Lublin, LLC as Successor Trustee and recorded with Chancery Clerk of DeSoto County, Mississippi June 22, 2018 in Book 4,562 page 320.

IV. Relief

The plaintiff requests that *(check all that apply)*:

- ☒ Each defendant be restrained from instituting any action against the plaintiff for recovery of the property or any part of it.
- ☒ The defendants be required to interplead and settle among themselves their rights to the property and that the plaintiff be discharged from all liability.
- ☒ The plaintiff recover costs and reasonable attorney's fees.
- ☒ The court grant any further relief as may be just and proper under the circumstances of this case.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Pro Se 12 (Rev. 12/16) Complaint for Interpleader and Declaratory Relief

Date of signing: August 31, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Natasha Boyland

NATASHA BOYLAND

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address
